



## HIPAA & HMIS Implementation: Does it Apply?

Wisconsin's Homeless Management Information System (HMIS) is not a HIPAA covered entity and therefore not subject to the rules and regulations of HIPAA. HIPAA covered entities may participate in Wisconsin's HMIS.

<p><b>HIPAA is the:</b></p> <p><b>Health Insurance Portability and Accountability Act of 1996</b></p> <p>It is a Federal law that allows persons to qualify immediately for comparable health insurance coverage when they change their employment or relationships. It also gives Health and Human Services the authority to mandate the use of standards for the electronic exchange of health care data; to specify what medical and administrative code sets should be used within those standards; to require the use of national identification systems for health care patients, providers, payers (or plans), and employers (or sponsors); and to specify the types of measures required to protect the security and privacy of personally identifiable health care</p>	<p><b>To be covered by HIPAA, you must:</b></p> <ul style="list-style-type: none"> <li>❖ Be a provider of health care that engages in one of HIPAA's covered standard transaction electronically</li> <li>❖ Be a "clearing house" or</li> <li>❖ Be a "health plan"</li> </ul> <p><b>Standard Transactions include:</b></p> <ol style="list-style-type: none"> <li>a. Health claims or equivalent encounter</li> <li>b. Retain pharmacy claims</li> <li>c. Enrollment or disenrollment in a health plan</li> <li>d. Eligibility for health plan – inquiry/ response</li> <li>e. Healthcare payment and remittances advice</li> <li>f. Health claim status – inquiry / response</li> <li>g. Coordination of benefits</li> <li>h. Referral certification</li> <li>i. Referral authorization</li> <li>j. Health plan premiums</li> </ol> <p><b>A clearinghouse is defined by HIPAA as (45 CFR 160.103):</b></p> <p>A public or private entity, including a billing service, repricing company, community health management information system or community health information system, and " value-added" networks and switches, that does either of the following functions:</p> <ol style="list-style-type: none"> <li>a. Processes or facilitates the processing of health information received from another entity in a non standard format or containing non-standard data content into standard data elements or a standard transaction.</li> <li>b. Receives a standard transaction from another entity and processes or facilitates the processing of health information into non-standard format or non-standard data content for receiving entity.</li> </ol>
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<p><b>HMIS is the</b></p> <p><b>Homeless Management Information System</b></p> <p>It is a computerized system that allows agencies to track service usage over time. In order to be competitive for homeless funding administered by the U.S. Department of Housing and Urban Development (HUD), agencies that coordinate a Continuum of Care system must have. If you receive HUD funding, you will be required by your Continuum of Care Coordinator, or HUD, to use this system.</p> <p><b>Additional Resources:</b></p> <p><b>HIPAA Collaborative of Wisconsin</b>  <a href="http://www.hipaacow.org">www.hipaacow.org</a></p> <p><b>HMIS INFOrmed</b>  <a href="http://www.hmis.info/default.asp">www.hmis.info/default.asp</a></p> <p><b>Wisconsin HMIS</b>  <a href="http://wisp.wi.gov">http://wisp.wi.gov</a></p> <p><b>WISP HELP</b>  <a href="mailto:sphelp@commerce.state.wi.us">sphelp@commerce.state.wi.us</a></p>	<p><b>HMIS is not a covered entity and because:</b></p> <ol style="list-style-type: none"> <li>1. The HMIS is not a provider of health care;</li> <li>2. Any agencies/programs that may be covered independent of the HMIS do not use the HMIS for financial collections.</li> <li>3. HMIS does not do any of the standard transactions that would make it be covered by HIPAA.</li> <li>4. HMIS is not a “clearing house”</li> </ol> <p>If an individual agency is covered by HIPAA (due to circumstances independent of the HMIS) then ONLY that agency is covered. Having an agency that is covered included in an HMIS does NOT mean that the HMIS is now covered by HIPAA. That agency may need to work out a business arrangement with the HMIS software vendor, but not with any other part or participant within the HMIS.</p> <p>Even though a covered program may enter information that would otherwise be covered by HIPAA, entering it into the HMIS for the purpose of reporting as required by law, the data and the system do not therefore become covered entities.</p> <p><b>Code of Federal Regulations (CFR 164.512)</b></p> <p>This allows for data aggregation and reporting of information and permits disclosure of what may otherwise be considered confidential or private information as required by law, in this case HUD from HMIS, as well as reporting to the Legislature of WI.</p> <p>Additionally, this section allows disclosure of this information to anyone, if it is a de-identified format, and also if it is in limited subsets.</p> <p>All information entered into the WI HMIS is only for reporting; therefore it is not covered by HIPAA.</p>
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